

### REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-4 and 6-12 are pending. Claims 1-4, 6, 7 and 9-12 stand rejected. Claim 8 is objected to but would be allowable if rewritten in allowable form. Claims 1, 2, 3, and 6 have been amended. Claims 4 and 5 have been cancelled.

Claims 1-4 and 6 stand rejected under 35 USC 103(a) as being unpatentable over Tomlinson (USP no. 4,821,120) in view of Davie (USP no. 6,278,870).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims, which is the same reason used in rejecting the claims in the prior Office Action and to which the applicant has replied, and reasserts the same arguments herein. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to recite that a polyphase harmonic means is used to filter the signals. No new matter has been entered. Support for the amendment may be found in at least claim 4.

With regard to the applicant's arguments submitted in the responses to the prior Office Action, the instant Office Action states that from the "Merriam-Webster's Collegiate Dictionary, 'harmonic' means 'a component frequency of a complex wave that is integral multiple of the fundamental frequency.' Therefore, the main purpose of the harmonic filter is to filter out the unwanted higher frequencies or unwanted harmonic frequencies that are integral multiple of the fundamental frequency. This harmonic filter will not remove harmonics below the IF center frequency since there is no harmonic lower than that of fundamental frequency generated by the non-linear soft-limiting amplifiers." (emphasis in the original).

However, applicant would note that the written description states that in the polyreceiver described "harmonics are displaced asymmetrically about zero frequency." (see page 4, lines 13-14). And, "a wanted channel of width 1728 kHz becomes translated down to a low IF of 834 Khz. Simultaneously, all of the other potentially active channels

... are mixed down to frequencies on either side of the wanted channel. Conventional, real filtering could be used to reject most of these interfering signals, but the adjacent channel position of the lower side of the wanted signal requires special treatment....The use of polyphase filter enables the desired rejection to be applied to the adjacent channel." (see page 5, lines 9-19)

Thus, the written description provides sufficient disclosure with regard to harmonics being generated on either side of a fundamental frequency, and when the fundamental frequency is an IF frequency, harmonics are generated below the IF frequency. Hence, the low pass filter suggested by the Office Action fails to operate in a manner similar to the polyphase filter claimed, which operates to remove harmonics above and below the IF frequency.

For at least the reason recited herein and for the remarks made in the response to the prior Office Action, which are reasserted, as if in full, herein, applicant submits that the reason for the rejection has been overcome. Applicant, accordingly, respectfully requests that the rejection be withdrawn and the claims allowed.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, for the amendments made to the remaining independent claims, which are similar to the amendments made to claim 1 and for the remarks made in response to the rejection of claim 1, which are also applicable in response to the rejection of these claims, and reasserted, as if in full, herein, applicant submits that the reason for rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 7 stands rejected under 35 USC 103(a) as an being unpatentable over Tomlinson and Davie as applied to claim 2 and further in view of Durvaux (USP no. 5,703,910). Claim 9 stands rejected under 35 USC 103(a) as an being unpatentable over Tomlinson and Davie as applied to claims 1 and 2 and further in view of Bijker (USP no. 5,404,589). Claim 10 stands rejected under 35 USC 103(a) as an being unpatentable over Tomlinson and Davie as applied to claim 2 and further in view of McDowell (USP no. 6,078,799). Claims 11 and 12 stand rejected under 35 USC 103(a) as an being

unpatentable over Tomlinson and Davie as applied to claim 2 and further in view of Haartsen (USP no. 6,081,697).

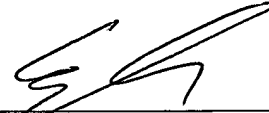
These claims stand rejected for the same reason recited in the prior Office Action. For the remarks made herein and for the remarks made in response to the prior Office Action, which are reasserted, as if in full, herein, applicant submits that the reason for the rejection has been overcome. Applicant respectfully requests withdrawal of the claims and allowance of the claims.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Aaron Waxler  
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Date: October 31, 2005

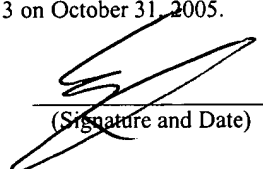
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